

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JULIET ANILAO, HARRIET AVILA, MARK DELA
CRUZ, CLAUDINE GAMAIO, ELMER JACINTO,
JENNIFER LAMPA, RIZZA MAULION, JAMES
MILLENA, THERESA RAMOS, RANIER SICHON
and FELIX Q. VINLUAN,

Index No.: 10cv0032

**STIPULATION AND
ORDER OF DISMISSAL**

-against-

THOMAS J. SPOTA, III, Individually and as District
Attorney of Suffolk County; OFFICE OF THE DISTRICT
ATTORNEY OF SUFFOLK COUNTY; LEONARD
LATO, Individually and as an ASSISTANT
DISTRICT ATTORNEY OF SUFFOLK COUNTY;
COUNTY OF SUFFOLK; SENTOSA CARE, LLC;
AVALON GARDENS REHABILITATION AND HEALTH
CARE CENTER; PROMPT NURSING EMPLOYMENT
AGENCY, LLC; FRANCRIS LUYUN; BENT
PHILIPSON; BERISH RUBINSTEIN, SUSAN
O'CONNOR and NANCY FITZGERALD,
Defendants.

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WHEREAS, this action was commenced on January 6, 2010, against THOMAS J.
SPOTA, III, Individually and as District Attorney of Suffolk County; OFFICE OF THE
DISTRICT ATTORNEY OF SUFFOLK COUNTY; LEONARD LATO, Individually and as an
ASSISTANT DISTRICT ATTORNEY OF SUFFOLK COUNTY and COUNTY OF SUFFOLK
(hereinafter, "the Suffolk Defendants") and SENTOSA CARE, LLC; AVALON GARDENS
REHABILITATION AND HEALTH CARE CENTER; PROMPT NURSING EMPLOYMENT
AGENCY, LLC; FRANCRIS LUYUN; BENT PHILIPSON; BERISH RUBINSTEIN, SUSAN
O'CONNOR and NANCY FITZGERALD ("the Sentosa Defendants"); and

WHEREAS, by Order dated March 31, 2011, the Court dismissed the claims against
SUSAN O'CONNOR and NANCY FITZGERALD, and certain claims against the Suffolk
Defendants; and

WHEREAS, on March 3, 2011, defendant AVALON GARDENS REHABILITATION
AND HEALTH CARE CENTER filed a counterclaim against Plaintiffs JULIET ANILAO,
HARRIET AVILA, MARK DELACRUZ, CLAUDINE GAMAIO, ELMER JACINTO,

JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, TERESA RAMOS and RANIER SICHON, and

WHEREAS, by Order dated November 28, 2018, the Court granted summary judgment on the remaining claims as to Defendants THOMAS J. SPOTA III, OFFICE OF THE DISTRICT ATTORNEY OF SUFFOLK COUNTY, LEONARD LATO and COUNTY OF SUFFOLK, and

WHEREAS, Plaintiffs discontinued the action against defendant BERISH RUBINSTEIN; and

WHEREAS, Plaintiffs and the Defendants SENTOSA CARE LLC, AVALON GARDENS REHABILITATION AND HEALTH CARE CENTER, PROMPT NURSING EMPLOYMENT AGENCY, LLC, FRANCRIS LUYUN and BENT PHILIPSON ("Sentosa Defendants") have resolved all of the issues in the case;

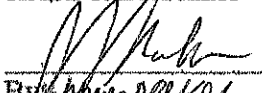
NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between the parties undersigned and/or their respective counsel that the above-captioned action is voluntarily dismissed as to the Sentosa Defendants, with prejudice, including all claims against the said defendants, and the Sentosa Defendants hereby dismiss all claims, cross-claims and counterclaims between the said parties, pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii). Each party to bear its own costs and fees; and

IT IS FURTHERED STIPULATED AND AGREED that this Court retains jurisdiction of the matter to the extent necessary to enforce the terms and conditions of any agreement setting forth the resolution of this matter entered into between any of the parties

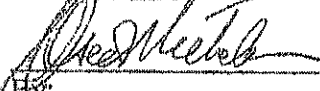
AND THE CLERK MAY ENTER JUDGMENT IN FAVOR OF DEFENDANTS THOMAS J. SPOTA III, OFFICE OF THE DISTRICT ATTORNEY OF SUFFOLK COUNTY, LEONARD LATO and COUNTY OF SUFFOLK, NANCY FITZGERALD and SUSAN O'CONNOR.

Dated: October , 2019


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